

Board of County Commissioners of Lincoln County  
Agenda for August 29, 2013

9:00 Call to order and Pledge of Allegiance

9:00 Discuss adoption of a resolution supporting the recommendation from the County Elected Officials Salary Commission and legislation to enact raises for county elected officials beginning with their 2015 terms of office

10:00 Joe Kiely to give an update on the Foreign Trade Zone

11:00 Bill Noyce and Kyle Wiggs with Curian Capital to discuss the investment of the county's retirement funds

1. Approve the minutes from the August 20, 2013 meeting
2. Review the July County General report of revenues and expenditures
3. County Commissioners' reports
4. Old business
5. New business
6. Approve payroll and expense vouchers

The Board of Lincoln County Commissioners met at 9:00 a.m. on August 29, 2013. The following attended: Chairman Ted Lyons, Commissioners Greg King and Doug Stone, and Clerk to the Board Corinne M. Lengel. Will Bublitz with the Limon Leader and Eastern Colorado Plainsman attended from 9:45 a.m. until noon, and County Administrator Roxie Devers was absent and excused.

Chairman Lyons called the meeting to order and asked Ms. Lengel to lead the Pledge of Allegiance, after which the Board discussed adopting a resolution supporting the recommendation from the County Elected Officials Salary Commission and legislation to enact raises for county elected officials beginning with their 2015 terms of office. Mr. King made a motion to adopt the resolution, Mr. Stone seconded the motion, and it carried unanimously.

At a regular meeting of the Board of County Commissioners of Lincoln County, Colorado held in Hugo, Colorado on August 29, 2013, there were present:

Ted Lyons, Chairman	Present
Greg King, Vice Chairman	Present
Douglas D. Stone, Commissioner	Present
Stan Kimble, County Attorney	Absent & Excused
Corinne Lengel, Clerk of the Board	Present
Roxie Devers, County Administrator	Absent & Excused

when the following proceedings, among others, were had and done, to-wit:

**RESOLUTION #858** It was moved by Commissioner King and seconded by Commissioner Stone to adopt the following resolution:

**WHEREAS**, the bi-partisan County Elected Officials Salary Commission was formed to study, evaluate and make recommendations to the State Legislature regarding future salary levels for county elected officials; and

**WHEREAS**, the last salary adjustment for county elected officials occurred in 2007 as the result of HB 06-1295, which addressed cost of living increases only; and

**WHEREAS**, with the responsibilities and liabilities that county elected officials face in serving their constituents, less than reasonably competitive salaries will likely fail to motivate well qualified individuals to serve in these positions; and

**WHEREAS**, if salary levels are not increased for county elected officials, the real possibility exists, if it doesn't already, that employees who are second or third in command in these offices will have higher salaries than the elected officials; and

**WHEREAS**, the employees who are second or third in command are usually the most qualified and knowledgeable to assume the responsibilities of the offices of elected officials, but will have no incentive to do so if their salaries decrease, while responsibilities increase; and

**WHEREAS**, the reasonable approach is to provide salary adjustments to county elected officials every four years rather than over longer periods of time since the impacts to budgets will be lessened;

**NOW, THEREFORE BE IT RESOLVED** by the Board of County Commissioners of Lincoln County that they would support a bill in the 2014 legislative session concerning the implementation of the reasonable and well considered recommendations of the County Elected Officials' Salary Commission granting raises to county elected officials beginning with their terms of office starting in 2015;

**BE IT FURTHER RESOLVED** that, being in Category V for counties, the suggested adjustments to the salaries for Lincoln County elected officials would be as follows:

	Current Salaries	Adjusted Salaries
Commissioners	\$43,800	\$50,370
Sheriffs	\$49,100	\$58,920
Assessors, Clerks and Treasurers	\$43,800	\$50,370
Coroners	\$ 9,900	\$11,385

Upon roll call the vote was:

Commissioner King, Yes; Commissioner Stone, Yes; Commissioner Lyons, Yes.

The Chairman declared the motion carried and so ordered.

Board of County Commissioners  
of Lincoln County

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ATTEST:

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Clerk of the Board

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Mr. Stone made a motion to approve the minutes from the meeting held on August 20, 2013, as submitted. Mr. King seconded the motion, which carried unanimously.

The Board reviewed the July County General report of revenues and expenditures, and then Mr. King gave his commissioner report, stating that the road crew was almost finished with the road that Andrew Johnson had damaged, and that he had received a call from Bob Smithburg on August 26 regarding wind tower setbacks. Mr. Smithburg told him that he would like to see at least a 2,000 foot setback requirement from a residence, at a minimum, but would actually prefer a half mile, and also commented that several of the larger landowners in his area don't want to participate in leasing to wind companies at all.

At that time, Road Foreman Chris Monks arrived at Mr. Lyons' request to discuss the purchase of a road grader for District One. District Three would like to take the grader that District One was going to trade in since it is two years newer, so the plan was to trade in District Three's 2004 CAT 140H grader for \$100,000. District Three would then pay the difference of \$34,143. Mr. Monks said that the quote from Wagner Equipment on a 2013 CAT 140M2 grader with a seven year/7,000 hour full machine warranty is \$252,099. With the trade-in of \$134,143, total cost to District One would be \$117,956. Mr. Lyons said they planned to make two payments in two years; one in June of 2014 and the other in June of 2015, unless they decide to pay it off sooner.

Mr. King made a motion to allow District One to purchase a 2013 CAT 140M2 road grader from Wagner Equipment in the amount of \$117,956, with trade-in. Mr. Stone seconded the motion, which carried unanimously.

Mr. King also stated that Mark McHone has received a bid packet on a road grader for District Two, and Mr. Stone said he will be meeting with John Rowe from Wagner next week if he would like to meet with him as well.

Mr. King asked the others if they had seen an influx of grass burrs lately, to which they replied they had, Mr. Monks adding that he had seen them in places he never has before. He added that he'd spoken to Weed Coordinator Wayne Shade about it, but the only thing he can use to kill them is Round-up, which is bad for everything else. Mr. Lyons said the county used to have a program that paid a landowner to eradicate weeds in the county rights-of-way but not many residents had taken advantage of it. He added that Gary Beedy had not been in favor of clearing the ditches too much because of erosion, but there had not been much evidence of erosion that he had seen personally. He said they could bring it up at the next weed board meeting and Mr. King said he would be in favor of pursuing something.

Mr. King continued with his report, stating that he met with Senator Bennett and a group at Parker Ag on August 27 concerning improving imports and exports, feeling that the senator supported their conversations. He also listened to Joe Kiely's presentation on the Foreign Trade Zone. On August 28, Mr. King received a call from Gary Withington asking what the commissioners had decided to request for setbacks. Mr. King told him they had left it at 1,000

feet and Mr. Withington stated he intended to file suit. He also complained to Mr. King about sand burrs.

Mr. Stone reported receiving a call about one of the blade operators in District Three on August 21, so he spoke with him about the complaint and also checked roads with David Seymour. On the Twenty-second, he attended the Colorado East Community Action Agency meeting in Kiowa, and on the Twenty-sixth he received a phone call from Linda Simmons regarding Kent Dyer's gates which she feels prevent access to her property. Mr. Stone drove out and looked at the property in question with David Seymour and said he'd told her she can put up a fence to fence Mr. Dyer's horses out of her property. He added that, according to what he read in the fence laws, she can even bill Mr. Dyer for half the cost. On August 27, Mr. Stone checked on the oil wells, stating that there is nothing left of the one at Parkers, and he couldn't get into the well at Reysteads due to No Trespassing signs. He attended the Child Protection Team meeting on August 28, and when he received a report of "something in the ditch" at Ed Winters' place, he checked on it but only found an old loading chute that David told him had been there for twenty years.

Mr. Lyons reported stopping by the landfill on August 21, where he spoke with Mick Jaques about the e-Waste recycling program. Mr. Lyons felt that they need to purchase a small shipping container, as the landfill employees will soon need to park their equipment inside where they are storing the TVs and computers now. Since they need to be kept from moisture, Mr. Lyons said he thought one of the shipping containers would be the best option, commenting that the state certainly created a larger problem when they requested counties to recycle the items. Mr. Lyons also spoke with James Martin and went by the Fisher well, where he spoke with the seismographer. On August 26, Mr. Lyons checked on the Mosher well, then traveled east on County Road 3G and north on County Road 63. He looked at the windbreak at Ken Becker's place, stating that it looks good, and then checked on Safranek's oil well and several other areas. He attended a meeting in Limon on August 27 with the Central Plains Economic Development Group, and a Colorado Blueprint meeting concerning broadband. He mentioned his thoughts on interactive video-conferencing for inmates and said he would speak with Sheriff Nestor about it. Mr. Lyons also reported speaking with Chris Monks about the complaint Mr. King received from Jennifer Jackson concerning the road that goes by her house in Limon, and was told that the town of Limon actually maintains that portion of that particular road. Since Joe Kiely had arrived for his appointment, Mr. King asked him to relay the message to Dave Stone that Ms. Jackson would like her road graded. Finally, Mr. Lyons said he also had received a phone call from Gary Withington regarding sand burrs.

Joe Kiely then said that he wanted to keep the commissioners informed of the Foreign Trade Zone project status on a periodic basis, mentioning the meeting with Senator Michael Bennett that Mr. King had already spoken of. He added that the group requested that the senator sign on as a supporter to the Foreign Trade Zone application. Mr. Kiely provided a handout to the commissioners regarding the FTZ, trade and global competitiveness and its importance to Lincoln County and rural Colorado. He pointed out statistics regarding a decrease of almost twenty percent in border crossings entering the U.S. from 2004-2012, stating that on the

contrary, border crossings in the Ports-to-Plains corridor had actually increased by forty percent in that same time frame, adding that it proves a strong economy, at least in that area, both in the U.S and Canada. He went on to say that according to the projected increases in imports and exports by the year 2040, it would be extremely beneficial to try and get some of those companies to locate here. Supporters of the Foreign Trade Zone include Ken Lund, the executive director for Economic Development and International Trade, Congressman Cory Gardner, and Senator Michael Bennett. Senator Udall is still in the determining process. Mr. Kiely stated that the letter of support from Mr. Lund was quite an achievement because it meant that officials in Denver and Colorado Springs understood Lincoln County's efforts to be involved and would not try to deter its going forward in any way. Mr. Kiely said that Kit Carson County has committed to being a part of the service area, but he believes Cheyenne County is against it, as one of the commissioners there questioned why they would want to help a foreign company at all, to which Mr. Kiely responded that they create jobs. He added that the La Junta city manager agreed to discuss it with the Otero County commissioners and the city council, and that he hasn't heard from Morgan County yet. Elbert County is "iffy" at this time. Mr. Kiely said he intends to approach the northeastern region soon and will most likely give the counties a deadline of November 1 to commit to being in the service area, as nothing can go forward until they decide. The greatest benefit is that the process of getting approved as a site is much quicker if a company chooses to locate in their area, and Mr. Kiely said that any company wishing to build a site outside of the county must first come to the FTZ for approval, for which they pay a fee.

Mr. King wanted to know if the counties have to be contiguous and Mr. Kiely replied that they do, adding that he is continuing to work on finding a user for the initial application. They have had discussions with a company that manufactures small wind turbines, but Mr. Kiely said he really could say no more about it as everything is still confidential. They are, however, putting together a proposal for the company and trying to convince them to become the initial user, and Economic Development is working with him in that respect.

Mr. Kiely explained the county's incentive policy to Mr. Stone and Mr. King, stating that the overall idea is that if they offer some incentive to a company to locate in the county, possibly in the way of reduced taxes or even exemptions from sales or use tax on components or equipment purchased outside the county, eventually enough revenue will be made in property taxes to offset those costs. The town of Limon used the incentive for partial property tax abatement for Carla's Cluster Care. Mr. Kiely asked if the commissioners would agree to allow him to include the incentive policy in the Foreign Trade Zone application and they agreed.

Lastly, Mr. Kiely asked the commissioners to let property owners in the county know that if they have commercial property for use, it would benefit them to be included in the state's onsite property list. He added that doing so would be no cost to the property owner as they maintain the list and keep it updated.

Mr. Kiely asked the commissioners to attend several meetings in the next couple of months; a meeting on September 12 in Akron with Don Hunt, Executive Director at CDOT; the Ports-to-

Plains annual conference in Amarillo, Texas, October 1-3; and the statewide Oil & Gas Commission meeting in Limon on October 28 and 29.

Mr. King asked about the Economic Development budget, stating that the county will be working on the 2014 budget soon, and Mr. Kiely said they have not had the internal discussions yet, but they do know that they need to get it done quickly.

At 11:00 a.m., Kyle Wiggs with Curian Capital, and the county's retirement representative, Bill Noyce, met with the Board to discuss the investment of the county's retirement funds. Mr. Lyons said it was important that they get the opinions of the new commissioners on any investment decisions, as they will be the ones responsible going forward.

Mr. Wiggs said that the county has basically two accounts; one with approximately \$700,000—77% of which is in fixed income allocation and 46% in higher yielding bonds—and the other with a value of roughly \$1.4 million, and they may want to change some things where those accounts are concerned. He said that if the commissioners agreed, they would put together a proposal of how to invest the \$700,000 and bring it back for their approval.

Mr. King said he doesn't want to end up in the shape PERA is in, as he wants to be able to maintain for the employees and make sure they can get back what they've put in. Mr. Noyce responded that it all goes back to the prudent man investor and they don't want to be too aggressive with the funds, but also don't want to put the employees at a point of loss, either.

Mr. King asked if they buy school bonds, but Mr. Wiggs said that Curian does not. The group briefly discussed inflation and then Mr. King asked if anyone knew how many employees may be considering retirement in the next two-to-three years. Ms. Lengel said she could think of a few; less than five, and Mr. Noyce said he would speak with Ms. Devers about what the county may need in the way of retirement funds in the next three-to-five years and then return with a proposal for the two accounts. He explained that once the commissioners accept the proposal, Ms. Devers will contact Curian that it has been approved and that will take care of it.

After Mr. Noyce and Mr. Wiggs left, Mr. Lyons added to his commissioner report, stating that he'd spoken with Jim Collie who wanted to know if the commissioners had looked at the gravel at his pit, as he'd seen a lot of dirt being hauled out of it. He stated that he would rather just close it and Mr. Lyons asked Mr. King to talk to him. Mr. King said that Mark McHone was going to let him know that they intend to square up the pit in order to keep it out of Mr. Collie's fields. He added that they have moved some dirt as it was piled where it wasn't supposed to be, and Mr. Lyons said that perhaps that was what Mr. Collie had seen.

There was no old business, but Mr. Stone asked Mr. Lyons if the county ever cuts down dead trees for residents, as they have several down in his district and people have been asking about it. He added that there are a lot of dead trees in the county rights-of-way and the road crew will be taking care of those, but wanted to know if it was permissible to do it for residents.

Mr. Lyons said it may be something to discuss with County Attorney Stan Kimble, but stated that he personally has never done it as there may be some liability involved.

The commissioners approved the August 2013 payroll and expense vouchers for the month and then, with no further business to come before the Board, the meeting was adjourned until 9:00 a.m. on August 30, 2013.

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Corinne M. Lengel, Clerk to the Board

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Ted Lyons, Chairman